

RESOLUTION NO. R-2009-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AUTHORIZING THE CONVEYANCE OF THE CITY-OWNED REAL PROPERTY LOCATED AT 1220W. PAUL STREET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Constitution allows Texas cities to make donations and expenditures of money for a charitable purpose when that charitable purpose furthers a legitimate public purpose and sufficient controls are in place to guarantee that the donation will further that legitimate public purpose;

WHEREAS, the City Council finds that the development of low-income and moderate income housing is a legitimate public purpose; and

WHEREAS, the Texas Local Government Code Section 272.001(g) states that a political subdivision may sell, exchange, or otherwise convey land or interests to an entity, including individuals, for the development of low-income or moderate-income housing; and

WHEREAS, two individuals who have qualified for housing assistance in the City of Tyler Owner-Occupied Rehabilitation and Reconstruction Program own properties whereby the existing homes have been determined as ineligible for rehabilitation, and where reconstruction of new homes is required; and

WHEREAS, the currently owned lot is too small to build new homes on; and

WHEREAS, the City owns a lot at 1220 W. Paul Street and it is identified as an appropriate lot for building new homes; and

WHEREAS, the City desires to transfer ownership of the lot at 1220 W. Paul Street to an individual in furtherance legitimate public purpose of the development of low-income and moderate income housing; and

WHEREAS, sufficient controls will be in place to assure and guarantee that the transfer of this lot will further the legitimate public purpose including the transfer of a fee simple title binding the owner to use the property as a principal place of residence and by including affordability periods in deed and lien documents as required by the United States Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the City Council hereby authorizes the City of Tyler to execute any and all documents necessary for the City of Tyler to convey the following lot to a qualified homeowner: 1220 W. Paul Street, and more specifically described as Lot 5, Block 8, New City Block 352, Caspary Addition, in the City of Tyler, a subdivision of record in Volume 181, Page 127 of the Deed records of Smith County.


PART 2: That, having conducted a public hearing, the City Council finds that the conveyance of the above described real property serves the legitimate public purpose by promoting the development of low-income and moderate income housing and that sufficient

controls will be in place to assure that the transfer of ownership serves the legitimate public purpose.

PART 3: That the City Manager or designee be, and is hereby authorized and designated to act as the City's representative and is hereby authorized to execute and sign all documents necessary to transfer ownership of the real property located at 1220 W. Paul Street, Tyler, Texas.

PART 4: That this resolution shall take effect immediately upon adoption.

ADOPTED this 27th day of May, 2009.


BARBARA BASS
MAYOR, CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


MARY C. LANDERS
CITY ATTORNEY